

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of the claims:

1 (Amended): A method for protection of an excitable tissue in a mammal having a neurodegenerative condition, comprising administering peripherally to a said mammal ~~in need thereof~~ an ~~effective non-toxic~~ amount of EPO effective for the protection of ~~an~~ the excitable tissue, wherein said administering does not increase the hematocrit in said mammal.

2 (Previously presented): The method of Claim 1 wherein said mammal has a neurodegenerative disease.

3 (Original): The method of Claim 1 wherein said excitable tissue is central nervous system tissue or peripheral nervous system tissue.

4 (Original): The method of Claim 1 wherein said administration comprises oral, topical, intraluminal or by inhalation or parenteral administration.

5 (Original): The method of Claim 4 wherein said parenteral administration is intravenous, intraarterial, subcutaneous, intramuscular, intraperitoneal, submucosal or intradermal.

6 (Original): The method of Claim 1 wherein said administration is acute or chronic.

7-8 (Canceled)

9 (Previously presented): The method of Claim 1 wherein said EPO is a recombinant form thereof.

10 (Canceled)

11 (Amended): The method of Claim 1, wherein ~~the amount of the~~ EPO is administered prior to a medical or surgical procedure.

12 (Amended): ~~The method of Claim 11~~ A method for protection of an excitable tissue in a mammal having a neurodegenerative condition, comprising administering peripherally to said mammal an effective non-toxic amount of EPO for the protection of the excitable tissue, wherein the EPO is administered at least one time 4 hours to 24 hours prior to the a medical or surgical procedure.

13 (Amended): The method of Claim 1 ~~12~~, wherein the medical procedure is labor or childbirth.

14 (Amended): The method of Claim 14~~2~~, wherein the surgical procedure is tumor resection, aneurysm repair, or a coronary artery bypass procedure.

15 (Amended): A method for protection of an excitable tissue in a mammal having mechanical trauma, diabetic neuropathy ~~and/or~~ amyotrophic lateral sclerosis, comprising administering peripherally to a said mammal in need thereof an effective non-toxic amount of EPO effective for the protection of an the excitable tissue, wherein said administering does not increase the hematocrit in said mammal.

16 (Cancelled)

17 (Previously presented): The method of Claim 15 wherein said excitable tissue is central nervous system tissue or peripheral nervous system tissue.

18 (Previously presented): The method of Claim 15 wherein said administration comprises oral, topical, intraluminal or by inhalation or parenteral administration.

19 (Previously presented): The method of Claim 18 wherein said parenteral administration is intravenous, intraarterial, subcutaneous, intramuscular, intraperitoneal, submucosal or intradermal.

20 (Previously presented): The method of Claim 15 wherein said administration is acute or chronic.

21 (Canceled)

22 (Previously presented): The method of Claim 15 wherein said EPO is a recombinant form thereof.

23 (Amended): The method of Claim 15, wherein ~~the amount of the~~ EPO is administered prior to a medical or surgical procedure.

24 (Previously presented): ~~The method of Claim 23~~ A method for protection of an excitable tissue in a mammal having mechanical trauma, diabetic neuropathy or amyotrophic lateral sclerosis, comprising administering peripherally to said mammal an effective non-toxic amount of EPO for the protection of the excitable tissue, wherein the EPO is administered at least one time 4 hours to 24 hours prior to the medical or surgical procedure.

25 (Amended): The method of Claim 23~~4~~, wherein the medical procedure is labor or childbirth.

26 (Amended): The method of Claim 23~~4~~, wherein the surgical procedure is tumor resection, aneurysm repair, or a coronary artery bypass procedure.

27 (Cancelled)